

REMARKS

Claims 96-106 are pending. By this Amendment, claims 96-106 are canceled and claims 107-117 are added. No new matter has been added by way of these amendments. The following remarks are limited to the rejections asserted by the Examiner with respect to the pending independent claims. Each of the dependent claims is allowable for the same reasons provided below for amended independent claims 107, 111, and 115, from which claims 108-110, 112-114, and 116-117, depend.

Claim Rejections Under 35 USC § 112

Claims 96-106 stand rejected under 35 U.S.C. 112, first paragraph. The Applicant respectfully traverses this rejection. However, in light of the cancellation of claims 96-106, the rejection is rendered moot and further discussion of this rejection is not required.

Claim Rejections Under 35 USC § 112

Claims 96-106 stand rejected under 35 U.S.C. 112, second paragraph. For the reasons provided above, in light of the cancellation of claims 96-106, this rejection is rendered moot and further discussion of this rejection is not required.

Claim Rejections Under 35 USC § 102

Claims 101 and 102 stand rejected under 35 U.S.C. 102(b) as being anticipated by Johnson. The Applicant respectfully traverses this rejection. Although the rejected claims have been cancelled and new claims are pending, it can be demonstrated that Johnson fails to teach or suggest the invention presented in the newly added claims.

Johnson does not teach, in combination with the other recited claim limitations, an elongate screen-end member that moves within the screen tracks as required by independent claim 107, or an elongated engagement member with ends that move in the screen tracks as required by independent claim 111, or an elongated engagement member extending into the screen tracks as required by independent claim 115.

For example, Figure 3 of Johnson provides a detailed cross-section of the interior of the strips 112, 114 and fails to teach any portion of the edge frame 40 extending into or sliding between the strips 112, 114. Further, the cross-section view of the edge frame 40 in Figure 3 depicts the width of the edge frame 40 as measurably larger than the screen 36 width and the gap in the strips 112, 114 adapted to receive the screen 36 (See Figure 2). The Johnson specification confirms the relative dimensions of the edge frame 40, screen 36, and hole 38: "the edge frame 40 is too large to pass through the hole 38." Johnson, Col. 2, lines 32-36. As a result, the rods 108, 110 will engage the screen edge and not the edge frame 40.

Moreover, the Johnson specification teaches that the "aluminum rods, or locking means 108, 110 ... engage the screen and stretch it" and the foam rubber pressure pad 115 is positioned "to aid in engaging the screen by the rods 108 and 110"; and Figure 2 of Johnson depicts rod 110 as tightly engaging the screen 36. Johnson, Col. 3, lines 37-54; lines 54-58. Johnson does not teach the locking means 108, 110 or the foam rubber pressure pad 115 engaging at all with the edge frame 40 and, in fact, such engagement would run contrary to other disclosure in Johnson as explained above.

Figure 1 similarly fails to teach the edge frame 40 extending into the strips 112, 114. For example, the rivets or fasteners for attaching the strips 112, 114 to the frame 12 are depicted in

Figures 1 and 2 as extending beyond the width defined between the strips 112, 114. As such, Figure 1 cannot provide teachings for the edge frame 40 extending into the strips 112, 114. For these reasons, Applicant respectfully traverses and requests withdrawal of the rejection of the amended claims 107-117 under 35 U.S.C. 102(b).

Claim 107

With respect to claim 107 and dependent claims 118-110, Johnson fails to teach, in combination with the other recited claim limitations, an “elongate screen-end member including end portions extending into the screen tracks” wherein “the elongate screen-end member is operably connected to the insert such that as the insert is moved away from the header the retractable screen is extracted from the screen module such that the screen edges and the end portions of the elongate screen-end member move within the screen tracks, and the insert is stoppable at a plurality of positions along the insert tracks between the closed and opened positions,” as required in claim 107. The recited language makes it clear that the “elongate screen-end member” is a distinct element from the screen material and that the “end portions of the elongate screen-end member move within the screen tracks.”

Claim 111

With respect to claim 111 and dependent claims 112-114, Johnson fails to teach, in combination with the other recited claim limitations, an “elongated engagement member” wherein “as the insert moves toward the sill the screen is extracted from the module, and edges of the screen and ends of the elongated engagement member move in the screen tracks,” as

required in claim 111. The recited language makes it clear that the elongated engagement member is a distinct element carried by the screen, and that it is the distinct elongated engagement member that whose ends slide in the screen tracks.

Claim 115

With respect to claim 115 and dependent claims 116-117, Johnson fails to teach, in combination with the other recited claim limitations, an “elongated engagement member” wherein “the screen is extracted from the roll and moves in the screen track with part of the engagement member extending into the screen tracks,” as required in claim 115. The recited language makes it clear that the elongated engagement member is a distinct element carried by the screen, and that it is the distinct elongated engagement that is extending into the screen tracks.

Concurrent Reexamination Proceeding

The disclosure of the Johnson was discussed in detail during the reexamination of the parent case (U.S. Patent No. 6,618,998; Reexamination Control No. 90/007,223). A copy of the Reasons for Patentability/Confirmation issued by the USPTO in the parent case is provided with this Amendment as Attachment A.

Claim Rejections Under 35 USC § 103

Claims 96, 97, and 103 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Moyet-Ortiz (U.S. Patent No. 5,097,886). Claims 98 and 99 stand rejected

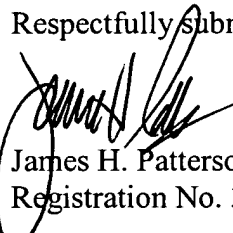
under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Moyet-Ortiz as applied above, and further in view of Ralph et al. Claim 100 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Moyet-Ortiz as applied above, and further in view of Kemp. The Applicant respectfully traverses these rejections. Although the rejected claims have been cancelled and new claims are pending, Applicant has demonstrated above that Johnson fails to teach or suggest, in combination with the other recited claim limitations, the invention presented in the newly added claims, either alone or in combination with other references.

Conclusion

In view of the foregoing, this application is in condition for allowance and favorable consideration and prompt allowance are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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